



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8553 of 2021

Nathi

... Petitioner/Accused -2

Vs

State through
The Inspector of Police,
Inamkulathur Police Station,
Trichy District.
Crime No. 177/2021.

... Respondent/Complainant

For Petitioner : Mr.N.Kamaraj,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime no. 177 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 323, 324 and 307 of I.P.C., in Crime No.177 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 21.06.2021 at about 10.00 pm., when the defacto complainant was about to close his biryani shop, the accused Varadharajan and the petitioner had fought with his workers namely., Jiya and Musharraaf. The defacto complainant had gone to purchase groceries from Arumugam Malikai Shop. While the accused were returning, they saw the shop was closed. Hence, they scolded the defacto complainant in filthy language by stating that as to why they were not permitted to take food and started to attack him by stone in his head. Therefore, the present case came to be registered.



4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

5.The learned Government Advocate (Crl. Side) opposed this petition on the ground that investigation is pending. He further submitted that the injured person had been discharged from the hospital.

6.Considering the facts and circumstances of the case and considering the fact that the injured is discharged from the hospital, this Court inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond either during investigation or trial;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8553 of 2021
Date :30/06/2021

IAS
AE/PN/SAR-III/02.07.2021/3P/5C